

H.R.1206

Syria Accountability and Liberation Act (Introduced in House)
HR 1206 IH

111th CONGRESS
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H. R. 1206

To strengthen sanctions against the Government of Syria, to enhance multilateral commitment to address the Government of Syria's threatening policies, to establish a program to support a transition to a democratically-elected government in Syria, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

February 26, 2009

Ms. ROS-LEHTINEN (for herself, Mr. BOEHNER, Mr. CANTOR, Mr. PENCE, Mr. MCCARTHY of California, Mr. MCCOTTER, Mr. CARTER, Mr. HOEKSTRA, Mr. KING of New York, Mr. BUYER, Mr. RYAN of Wisconsin, Mr. BLUNT, Mrs. BLACKBURN, Mr. PRICE of Georgia, Mr. BURTON of Indiana, Mr. ROYCE, Mr. MACK, Mr. WILSON of South Carolina, Mr. MCCAUL, Mr. POE of Texas, Mr. BILIRAKIS, Mrs. MYRICK, Mr. SHADEGG, Ms. FOXX, Mr. KIRK, Mr. FRELINGHUYSEN, Mrs. CAPITO, Mr. MARCHANT, Mr. SOUDER, Mr. CONAWAY, Mr. MILLER of Florida, Mr. GOHMERT, Mr. LINDER, Mr. LOBIONDO, Mr. BISHOP of Utah, Mr. TERRY, Mr. LAMBORN, Mr. TIBERI, Mr. BUCHANAN, Mr. BROUN of Georgia, Mr. ROONEY, Mr. SAM JOHNSON of Texas, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. SENSENBRENNER) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, Financial Services, Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To strengthen sanctions against the Government of Syria, to enhance multilateral commitment to address the Government of Syria's threatening policies, to establish a program to support a transition to a democratically-elected government in Syria, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

- (a) Short Title- This Act may be cited as the `Syria Accountability and Liberation Act'.
- (b) Table of Contents- The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I--STRENGTHENING UNITED STATES SANCTIONS AGAINST SYRIA

Sec. 101. Declarations of policy.

Sec. 102. Codification of existing sanctions and continuation of restrictions against the Government of Syria.

Sec. 103. Sanctions against certain persons.

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TITLE II--SANCTIONS TARGETING SYRIA'S ENERGY SECTOR

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Sec. 202. Advisory opinions.

Sec. 203. Termination of sanctions.

Sec. 204. Duration of sanctions; Presidential waiver.

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TITLE III--SYRIA NUCLEAR WEAPONS PREVENTION

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Sec. 302. Actions within the International Atomic Energy Agency.

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TITLE IV--DIPLOMATIC EFFORTS TO ISOLATE THE GOVERNMENT OF SYRIA

Sec. 401. Sense of Congress relating to bilateral efforts.

Sec. 402. Opposition to Syria's membership and candidacy for leadership posts in United Nations institutions.

Sec. 403. Actions at international financial institutions.

Sec. 404. Establishment of United States and regional contact groups.

Sec. 405. Report on assistance to, and commerce with, Syria.

TITLE V--ASSISTANCE TO SUPPORT DEMOCRACY IN SYRIA

Sec. 501. Declarations of policy.

Sec. 502. Assistance to support a transition to democracy in Syria.

Sec. 503. Condemnation of Syrian human rights abuses.

SEC. 2. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES**- The term `appropriate congressional committees' means--

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) DEVELOP; DEVELOPMENT- The terms `develop', or the `development' of, mean, with respect to petroleum resources, the exploration for, or the extraction, refining, or transportation by pipeline of, petroleum resources.

(3) GOODS AND TECHNOLOGY- The terms `goods' and `technology' have the meanings given such terms in section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415).

(4) GOVERNMENT OF SYRIA- The term `Government of Syria' includes any agency or instrumentality of the Government of Syria, including any entity that is controlled by the Government of Syria.

(5) INVESTMENT-

(A) IN GENERAL- The term `investment' means any of the following activities if the activity is undertaken pursuant to an agreement, or pursuant to the exercise of rights under such an agreement, that is entered into with the Government of Syria or a nongovernmental entity in Syria on or after the date of the enactment of this Act:

(i) The entry into a contract that includes responsibility for the development of petroleum resources located in Syria, or the entry into a contract providing for the general supervision and guarantee of another person's performance of such a contract.

(ii) The purchase of a share of ownership, including an equity interest, in that development.

(iii) The entry into a contract providing for the participation in royalties, earnings, or profits in that development, without regard to the form of the participation.

(B) EXCLUSION- The term `investment' does not include the entry into, performance, or financing of a contract to sell or purchase goods, services, or technology.

(C) AMENDMENTS OR MODIFICATIONS- For purposes of this paragraph, an amendment or other modification that is made, on or after the date of the enactment of this Act, to an agreement or contract shall be treated as the entry into an agreement or contract.

(6) PERSON- The term `person' means--

(A) a natural person; or

(B) a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise.

(7) PETROLEUM RESOURCES- The term `petroleum resources' includes petroleum and natural gas resources.

(8) UNITED STATES ASSISTANCE- The term `United States assistance' means--

(A) any assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), other than urgent humanitarian assistance or medicine;

(B) sales and assistance under the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(C) financing by the Commodity Credit Corporation for export sales of agricultural commodities; or

(D) financing under the Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.).

TITLE I--STRENGTHENING UNITED STATES SANCTIONS AGAINST SYRIA

SEC. 101. DECLARATIONS OF POLICY.

Congress makes the following declarations of policy:

(1) The actions of the Government of the Syrian Arab Republic, including its support for, and facilitation of, terrorist activities, including inside of Iraq, its development of long-range missiles and weapons of mass destruction programs and capabilities, its continued interference with the internal affairs of the Lebanese Republic in violation of multiple United Nations Security Council

resolutions and of its international obligations, and its massive, systematic, and extraordinary violations of human rights of the Syrian people, are a threat to the national security of the United States and international peace.

(2) The policy of the United States shall be to deny the Government of Syria the ability to carry out the following:

- (A) To finance, provide safe-haven, or otherwise support terrorist organizations.
- (B) To develop chemical, biological, radiological, or nuclear weapons and long-range ballistic missiles.
- (C) To continue to interfere in the affairs of the Government of Lebanon in contravention of multiple United Nations Security Council resolutions and other pertinent obligations.
- (D) To continue to oppress the people of Syria.

(3) The President should advocate for, and should instruct the United States Permanent Representative to the United Nations to propose and seek within the United Nations Security Council, a mandatory international embargo against the Government of Syria, pursuant to Article 41 of the Charter of the United Nations.

(4) Any effort by a country that is a recipient of United States assistance to facilitate, directly or indirectly, the development of Syria's chemical, biological, radiological, or nuclear weapons capabilities, long-range ballistic missile development programs, or to help make operational any nuclear facility in Syria will have a detrimental impact on United States assistance to, or commercial and financial relations with, such country.

SEC. 102. CODIFICATION OF EXISTING SANCTIONS AND CONTINUATION OF RESTRICTIONS AGAINST THE GOVERNMENT OF SYRIA.

(a) Restrictions Relating to Certain Provisions of Law- Restrictions against the Government of Syria, and on persons by reason of their direction of, or contribution to, activities of the Government of Syria, that were imposed pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (Public Law 108-175), the Iran, North Korea, and Syria Nonproliferation Act (50 U.S.C. 1701 note), or any similar provision of law, as in effect on the date of the enactment of this Act, including the restrictions imposed under Executive Order 12938 (as amended by Executive Order 13094), Executive Order 13338, Executive Order 13399, Executive Order 13460, and any similar Executive Order, shall remain in effect and may not be lifted pursuant to such provisions of law until the President certifies to the appropriate congressional committees that the Government of Syria--

(1) has ceased all support for terrorism, including by meeting the requirements of paragraphs (2), (3), and (4) of subsection (b), and has not provided such support during the preceding 5-year period and has not been determined by the Secretary of State, for the purposes of section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or any other provision of law, to be a government that has repeatedly provided support for acts of international terrorism at any time during such 5-year period;

(2)(A) has permanently dismantled Syria's chemical, biological, radiological, and nuclear weapons programs;

(B) has ceased all efforts to design, develop, manufacture, or acquire--

- (i) a nuclear explosive device or related materials and technology;
- (ii) chemical, biological, and radiological weapons; and

- (iii) ballistic missiles and ballistic missile launch technology; and
- (C) has taken demonstrable steps to combat the proliferation of such weapons;
- (3) does not pose a threat to United States national security, United States interests, and United States allies in the region;
- (4) respects the boundaries, sovereignty, and right to exist of all neighboring countries; and
- (5) upholds and defends the human rights and civil liberties of its people.
- (b) Restrictions Relating to State Sponsor of Terrorism Determination- Restrictions against the Government of Syria that were imposed by reason of a determination by the Secretary of State that the Government of Syria, for purposes of section 6(j) of the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act), section 40 of the Arms Export Control Act, section 620A of the Foreign Assistance Act of 1961, or other provision of law, is a government that has repeatedly provided support for acts of international terrorism, shall remain in effect, and shall not be lifted pursuant to such provisions of law, unless the President certifies to the appropriate congressional committees that the Government of Syria--
 - (1) is not engaged in the illegal transfer of missile or nuclear technology to the Government of North Korea or to any country the government of which the Secretary of State has determined, for purposes of any of the provisions of law specified in the matter preceding this paragraph, is a government that has repeatedly provided support for acts of international terrorism;
 - (2) is no longer engaged in training, harboring, supplying, financing, or supporting in any way--
 - (A) Hamas, Hezbollah, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, the Popular Front for the Liberation of Palestine-General Command, the Democratic Front for the Liberation of Palestine, Fatah al-Intifada, or Fatah al-Islam;
 - (B) any other organization designated by the Secretary of State as a foreign terrorist organization in accordance with section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a));
 - (C) any person included on the Annex to Executive Order 13224 (September 23, 2001) and any other person identified under section 1 of that Executive Order whose property and interests in property are blocked by such section (commonly known as a `specially designated global terrorist');;
 - (D) any person designated under section 3 of Executive Order 13338 (May 13, 2004) or under section 1 of Executive Order 13438 (July 17, 2007);
 - (E) the Syrian Social Nationalist Party;
 - (F) any other person or organization contributing to instability in Lebanon or Iraq; and
 - (G) any agency, instrumentality, affiliate, or successor organization of the organizations listed in subparagraphs (A), (B), (C), (D), E), or (F).
 - (3) has immediately and unconditionally stopped facilitating transit from Syria to Iraq of individuals, military equipment, and all lethal items, except as authorized by the representative, internationally recognized Government of Iraq; and
 - (4) has ceased its support for `volunteers' and terrorists who are traveling from and through Syria into Iraq to launch attacks.

SEC. 103. SANCTIONS AGAINST CERTAIN PERSONS.

- (a) Prohibition- The sanctions described in subsection (b) shall be imposed on a person if such person transfers or retransfers goods or technology so as to contribute to the efforts by the Government of Syria to acquire or develop destabilizing numbers or types of advanced

conventional weapons, or to acquire, develop, produce, or stockpile biological, chemical, radiological, or nuclear weapons or long-range ballistic missiles.

(b) Sanctions- The sanctions to be imposed on a person pursuant to subsection (a) are as follows:

(1) PROCUREMENT SANCTION- The United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from such sanctioned person.

(2) EXPORT SANCTION- The United States Government shall not issue any license for any export by or to such sanctioned person.

(3) IMPORT SANCTION- The President shall ban the importation of any article that is a product of such sanctioned person.

(c) Persons Against Whom Sanctions Are To Be Imposed- The sanctions described in subsection (b) shall be imposed on--

(1) any person the President determines has carried out any of the activities described in subsection (a); and

(2) any person the President determines--

(A) is a successor entity to a person referred to in paragraph (1);

(B) is a parent or subsidiary of a person referred to in paragraph (1) if such parent or subsidiary engaged in any of the activities described in subsection (a); or

(C) is an affiliate of a person referred to in paragraph (1) if such affiliate engaged in any of the activities described in subsection (a) and if such affiliate is controlled in fact by a person referred to in paragraph (1).

SEC. 104. SANCTIONS AGAINST CERTAIN FOREIGN COUNTRIES.

(a) Prohibition- The President shall impose on the government of a foreign country the sanctions described in paragraphs (1), (2), and (3) of subsection (b) and one or more of the sanctions described in paragraphs (4), (5), and (6) of subsection (b), and the sanctions described in subsection (c), if the President determines that such government transfers or retransfers goods or technology, or provides assistance, so as to contribute to the efforts by the Government of Syria to acquire or develop destabilizing numbers and types of advanced conventional weapons, or to acquire, develop, produce, or stockpile chemical, biological, radiological, or nuclear weapons and long-range ballistic missiles.

(b) Sanctions- The sanctions referred to in subsection (a) are as follows:

(1) SUSPENSION OF UNITED STATES ASSISTANCE- The United States Government shall suspend United States assistance to such sanctioned country.

(2) SUSPENSION OF CODEVELOPMENT OR COPRODUCTION AGREEMENTS- The United States Government shall suspend compliance with its obligations under any memorandum of understanding with such sanctioned country for the codevelopment or coproduction of any item on the United States Munitions List (established under section 38 of the Arms Export Control Act (22 U.S.C. 2778)), including any obligation for implementation of such memorandum of understanding through the sale to such sanctioned country of technical data or assistance or the licensing for export to such sanctioned country of any component part.

(3) UNITED STATES MUNITIONS LIST- No item on the United States Munitions List (established pursuant to section 38 of the Arms Export Control Act) may be exported to such sanctioned country.

(4) EXPORT SANCTION- The United States Government shall not issue any license for any export by or to such sanctioned country.

(5) **IMPORT SANCTION**- The President shall ban the importation of any article that is a product of such sanctioned country.

(6) **INTERNATIONAL FINANCIAL INSTITUTION ASSISTANCE**- The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) to oppose and vote against the extension by such institution of any financial or technical assistance to such sanctioned country.

(c) **Suspension of Military and Dual-Use Technical Exchange Agreements**- The United States Government shall suspend compliance with its obligations under any technical exchange agreement involving military and dual-use technology between the United States and such sanctioned country that does not directly contribute to the national security of the United States, and no military or dual-use technology may be exported from the United States to such sanctioned country pursuant to such agreement during such period.

TITLE II--SANCTIONS TARGETING SYRIA'S ENERGY SECTOR

SEC. 201. IMPOSITION OF SANCTIONS.

(a) **Imposition of Sanctions**- Except as provided in subsection (f), the President shall impose on a person the sanctions specified in paragraphs (1) and (2) of subsection (b) and one or more of the sanctions specified in paragraphs (3) through (6) of subsection (b), if the President determines that such person has, on or after the date of the enactment of this Act, made an investment of \$5,000,000 or more (or any combination of investments thereof, which in the aggregate equals or exceeds \$5,000,000 in any 12-month period), that contributed to the enhancement of the Government of Syria's ability to develop petroleum resources in Syria.

(b) **Sanctions Specified**- The sanctions specified in this subsection are as follows:

(1) **EXPORT-IMPORT BANK ASSISTANCE FOR EXPORTS TO SANCTIONED PERSONS**- The President shall direct the Export-Import Bank of the United States not to give approval to the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit in connection with the export of any goods or services to any sanctioned person.

(2) **LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS**- The United States Government shall prohibit any United States financial institution from making loans or providing credits to any sanctioned person totaling more than \$10,000,000 in any 12-month period unless such person is engaged in activities to relieve human suffering and such loans or credits are provided for such activities.

(3) **EXPORT SANCTION**- The President may order the United States Government not to issue any specific license and not to grant any other specific permission or authority to export any goods or technology to a sanctioned person under--

(A) the Export Administration Act of 1979;

(B) the Arms Export Control Act;

(C) the Atomic Energy Act of 1954; or

(D) any other statute that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or services.

(4) **PROHIBITIONS ON FINANCIAL INSTITUTIONS**- The following prohibitions may be imposed against a sanctioned person that is a financial institution:

(A) **PROHIBITION ON DESIGNATION AS PRIMARY DEALER**- Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may

designate, or permit the continuation of any prior designation of, such financial institution as a primary dealer in United States Government debt instruments.

(B) PROHIBITION ON SERVICE AS A REPOSITORY OF GOVERNMENT FUNDS- Such financial institution may not serve as an agent of the United States Government or serve as repository for United States Government funds.

The imposition of either sanction under subparagraph (A) or (B) shall be treated as one sanction for purposes of this title, and the imposition of both such sanctions shall be treated as two sanctions for purposes of this title.

(5) PROCUREMENT SANCTION- The United States Government may not procure, or enter into any contract for the procurement of, any goods or services from a sanctioned person.

(6) ADDITIONAL SANCTIONS- The President may impose sanctions, as appropriate, to restrict imports with respect to a sanctioned person, in accordance with the International Emergency Economic Powers Act.

(c) Persons Against Which the Sanctions Are To Be Imposed- The sanctions specified in subsection (b) shall be imposed on--

(1) any person the President determines has carried out an activity described in subsection (a); and

(2) any person the President determines--

(A) is a successor entity to a person referred to in paragraph (1);

(B) is a parent or subsidiary of a person referred to in paragraph (1) if such parent or subsidiary engaged in an activity described in subsection (a); or

(C) is an affiliate of a person referred to in paragraph (1) if such affiliate engaged in an activity referred to in paragraph (1) and if such affiliate is controlled in fact by a person referred to in paragraph (1).

(d) Publication in Federal Register- The President shall cause to be published in the Federal Register a current list of sanctioned persons. The removal of persons from, and the addition of persons to, such list of sanctioned persons shall also be so published.

(e) Publication of Projects- The President shall cause to be published in the Federal Register a list of all projects which have been publicly tendered in the oil and gas sector in Syria.

(f) Exceptions- The President shall not be required to apply or maintain the sanctions specified in subsection (b)--

(1) in the case of procurement of defense articles or defense services--

(A) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy requirements essential to the national security of the United States;

(B) if the President determines and certifies in writing to the appropriate congressional committees that the person to which the sanctions would otherwise be applied is a sole source supplier of the defense articles or services, that such defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(C) if the President determines and certifies in writing to the appropriate congressional committees that such articles or services are essential to the national security of the United States under defense coproduction agreements;

(2) in the case of procurement, to eligible products, as defined in section 308(4) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)), of any foreign country or instrumentality designated under section 301(b)(1) of that Act (19 U.S.C. 2511(b)(1));

(3) to products, technology, or services provided under contracts entered into before the date on which the President publishes in the Federal Register the name of a person with respect to

which the sanctions are to be imposed;

(4) to--

(A) spare parts which are essential to United States products or production; and

(B) component parts, but not finished products, essential to United States products or production; and

(5) to medicines, medical supplies, or other humanitarian items.

SEC. 202. ADVISORY OPINIONS.

The Secretary of State may, upon the request of any person, issue an advisory opinion to such person as to whether a proposed activity by such person would subject such person to sanctions under section 201. Any person who relies in good faith on such an advisory opinion which states that such proposed activity would not subject such person to such sanctions, and any person who thereafter engages in such activity, shall not be made subject to such sanctions on account of such activity.

SEC. 203. TERMINATION OF SANCTIONS.

The requirement to impose sanctions under section 201 shall no longer have force or effect with respect to the Government of Syria if the President determines and certifies to the appropriate congressional committees that the requirements of section 102 (a) and (b) have been met.

SEC. 204. DURATION OF SANCTIONS; PRESIDENTIAL WAIVER.

(a) Delay of Sanctions-

(1) CONSULTATIONS- If the President makes a determination under section 201 that sanctions specified in such section should be imposed with respect to a foreign person, Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over such foreign person with respect to the imposition of such sanctions under such section.

(2) ACTIONS BY GOVERNMENT OF JURISDICTION- In order to pursue consultations under paragraph (1) with the government with primary jurisdiction over a foreign person described in such paragraph, the President may delay imposition on such foreign person of sanctions under section 201 for up to 90 days. Following such consultations, the President shall immediately impose such sanctions unless the President determines and certifies to the appropriate congressional committees that such government has taken specific and effective actions, including the imposition of appropriate penalties, to terminate the involvement of such foreign person in the activities that resulted in the determination by the President to impose on such foreign person sanctions under section 201.

(b) Duration of Sanctions- Sanctions imposed under section 201 shall remain in effect--

(1) for a period of not less than two years from the date on which such sanctions are imposed; or

(2) until such time as the President determines and certifies to the appropriate congressional committees that the person whose activities were the basis for imposing such sanction is no longer engaging in such activities and that the President has received reliable assurances that such person will not engage in such activities in the future, except that such sanctions shall remain in effect for a period of not less than one year.

(c) Presidential Waiver- The President may, on a case by case basis, waive for a single period

of not more than six months the application of a sanction imposed on a foreign person under section 201, if the President certifies to the appropriate congressional committees at least 30 days before such waiver is to take effect that--

- (1) such waiver is vital to the national security of the United States; and
- (2) the government of the country with respect to which such foreign person is a national has undertaken substantial measures to prevent the acquisition and development of weapons of mass destruction by the Government of Syria and to deny the Government of Syria the resources and capability to engage in the state-sponsorship of terrorism.

SEC. 205. DETERMINATIONS NOT REVIEWABLE.

A determination to impose sanctions under section 201 shall not be reviewable in any court.

SEC. 206. EXCLUSION OF CERTAIN ACTIVITIES.

Nothing in this title shall apply to any activities subject to the reporting requirements of title V of the National Security Act of 1947.

TITLE III--SYRIA NUCLEAR WEAPONS PREVENTION

SEC. 301. FINDINGS.

Congress finds the following:

(1) On September 6, 2007, Israeli warplanes bombed a site at al-Kibar in northeastern Syria, which the Syrians subsequently worked to conceal. On April 24, 2008, senior United States intelligence officials briefed Congress and the press about the al-Kibar site, citing detailed information showing that the al Kibar facility was a nuclear reactor, built with North Korean assistance.

(2) Following the briefing, Syria granted International Atomic Energy Agency (IAEA) inspectors access to Dayr al-Zor (but denied them access to three other sites), where they took environmental samples on June 23, 2008. After the visit, Syria suspended cooperation with the IAEA, which later revealed that soil samples taken from the al-Kibar site revealed 'a significant number of natural uranium particles' that were produced by human action rather than being already present in the environment.

(3) The natural uranium found by the IAEA is the type of fuel that would be fed into a reactor to produce plutonium, which after extraction in a reprocessing facility, could fuel a nuclear bomb.

(4) Syria's safeguards agreement with the IAEA requires notification to the agency in advance of construction of any nuclear facility, regardless of the presence of nuclear material, and, as a result, Syria's construction of a reactor violated its IAEA obligations.

SEC. 302. ACTIONS WITHIN THE INTERNATIONAL ATOMIC ENERGY AGENCY.

(a) Statement of Policy- It shall be the policy of the United States to oppose the development or acquisition by Syria of a nuclear capability.

(b) United States Actions- The President shall instruct the United States Permanent Representative to the International Atomic Energy Agency to--

(1) seek the adoption of a resolution declaring Syria to be in violation of its IAEA obligations unless Syria immediately--

(A) declares all nuclear-related facilities;

(B) immediately and unconditionally suspends any activity which could be used to develop

nuclear-weapons capability; and

- (C) provides IAEA inspectors with full access to its nuclear-related facilities;
- (2) use all available political, economic, and diplomatic tools, and shall use the voice, vote, and influence of the United States in all international organizations and associations of which it is a member, including the IAEA and the Nuclear Suppliers Group, to--
 - (A) block the development or acquisition by Syria of a capacity to fabricate nuclear fuel;
 - (B) block the allocation of funds for any IAEA development, environmental, or nuclear science assistance or activity to Syria;
 - (C) block the allocation of funds for IAEA development, environmental, or nuclear-related assistance or activity to the Government of Syria, including any agency or instrumentality thereof; and
 - (D) block membership of the Government of Syria on the Board of Governors of the IAEA; and
- (3) shall withhold from United States contributions to the IAEA an amount equal to that which the IAEA expends on assistance to Syria.

SEC. 303. RESTRICTIONS ON NUCLEAR COOPERATION WITH COUNTRIES ASSISTING THE NUCLEAR PROGRAM OF SYRIA.

(a) In General- Notwithstanding any other provision of law or any international agreement, no agreement for cooperation between the United States and the government of any country that is assisting the nuclear program of Syria or transferring advanced conventional weapons or missiles to Syria may be submitted to Congress pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), no such agreement may enter into force with such country, no license may be issued for export directly or indirectly to such country of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement, and no approval may be given for the transfer or retransfer directly or indirectly to such country of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement, until the President determines and reports to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that the government of such country that is assisting the nuclear program of Syria or transferring advanced conventional weapons or missiles to Syria--

(1) has suspended all nuclear assistance to Syria or suspended transferring advanced conventional weapons or missiles to Syria (as the case may be); and

(2) is committed to maintaining such suspension.

(b) Rules of Construction- The restrictions described in subsection (a)--

(1) shall apply in addition to all other applicable procedures, requirements, and restrictions required by the Atomic Energy Act of 1954 and any other law; and

(2) shall not be construed as affecting the validity of agreements for cooperation that are in effect on the date of the enactment of this Act.

(c) Definitions- In this section:

(1) AGREEMENT FOR COOPERATION- The term `agreement for cooperation' has the meaning given such term in section 11 (b). of the Atomic Energy Act of 1954 (42 U.S.C. 2014 b.).

(2) ASSISTING THE NUCLEAR PROGRAM OF SYRIA- The term `assisting the nuclear program of Syria' means the intentional transfer to Syria by a government, or by a person subject to the jurisdiction of a government with the knowledge and acquiescence of such government, of goods, services, or technology listed on the Nuclear Suppliers Group Guidelines

for the Export of Nuclear Material, Equipment and Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/254/Rev. 3/Part 1, and subsequent revisions) or Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Material, and Related Technology (published by the International Atomic Energy Agency as Information Circular INFCIR/254/Rev. 3/Part 2, and subsequent revisions).

(3) COUNTRY THAT IS ASSISTING THE NUCLEAR PROGRAM OF SYRIA OR TRANSFERRING ADVANCED CONVENTIONAL WEAPONS OR MISSILES TO SYRIA- The term 'country that is assisting the nuclear program of Syria or transferring advanced conventional weapons or missiles to Syria' means any country determined by the President to be assisting the nuclear program of Syria or transferring advanced conventional weapons or missiles to Syria.

(d) Waiver- The President may waive the application of the sanctions described in subsection (a) if the President--

- (1) determines that such a waiver is vital to the national security of the United States; and
- (2) submits to the appropriate congressional committees a report describing the reasons for such determination.

SEC. 304. EXCLUSION FROM THE UNITED STATES OF SENIOR OFFICIALS OF FOREIGN PERSONS WHO HAVE AIDED THE NUCLEAR PROGRAM OF SYRIA.

(a) Grounds for Exclusion- Except as provided in subsection (b), the Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien whom the Secretary of State determines is an alien who, on or after the date of the enactment of this Act, is a--

(1) person, agent, instrumentality, or official of, is affiliated with, or is serving as a representative of, the Government of Syria identified in a report submitted pursuant to section 2(a) of the Iran, North Korea, and Syria Nonproliferation Act (Public Law 106-178);

(2) corporate officer, principal, or shareholder with a controlling interest of a foreign person identified in a report submitted pursuant to such section;

(3) corporate officer, principal, or shareholder with a controlling interest of a successor entity to, or a parent or subsidiary of, a foreign person identified in such a report;

(4) corporate officer, principal, or shareholder with a controlling interest of an affiliate of a foreign person identified in such a report, if such affiliate engaged in the activities referred to in such report, and if such affiliate is controlled in fact by the foreign person identified in such report;

(5) spouse, minor child, or agent of a person excludable under paragraph (1), (2), (3) or (4);

(6) senior official of a foreign government identified in such a report;

(7) senior official of a foreign government with primary jurisdiction over a foreign person identified in such a report; or

(8) spouse, minor child, or agent of a person excludable under paragraph (6) or (7).

(b) Exception- The President may waive the sanctions described in subsection (a) with respect to a person specified in paragraph (5), (6), or (7) if the President determines and certifies in writing to the appropriate congressional committees, on a case by case basis, that the foreign government with primary jurisdiction over such person has made and continues to make clear, specific efforts to stop and deter the transfer or retransfer of, or the permitting, hosting, or other facilitating of transshipments that may enable the transfer or retransfer of, goods or technology that contribute to the efforts by Syria, as the case may be, to acquire or develop advanced

conventional weapons, or to acquire, develop, produce, or stockpile radiological or nuclear weapons.

(c) Definitions- In subsection (b):

(1) TRANSFER- The term `transfer' means the conveyance of technological or intellectual property, or the conversion of intellectual or technological advances into marketable goods, services, or articles of value, developed and generated in one place, to another through illegal or illicit means to a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act), section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)), and section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), is a government that has repeatedly provided support for acts of international terrorism.

(2) TRANSSHIPMENT- The term `transshipment' means the export from one country to another that passes through a third country, in which cargo is off-loaded and there is some change to conveyance.

TITLE IV--DIPLOMATIC EFFORTS TO ISOLATE THE GOVERNMENT OF SYRIA

SEC. 401. SENSE OF CONGRESS RELATING TO BILATERAL EFFORTS.

It is the sense of Congress that the Secretary of State should ensure that United States diplomatic personnel abroad understand and, in their contacts with foreign officials, are communicating the reasons for United States policy and sanctions against the Government of Syria, and are urging foreign governments to cooperate more effectively with the Government of the United States in compelling the Government of Syria to cease policies and activities that threaten global peace and security.

SEC. 402. OPPOSITION TO SYRIA'S MEMBERSHIP AND CANDIDACY FOR LEADERSHIP POSTS IN UNITED NATIONS INSTITUTIONS.

The President shall direct the United States Permanent Representative to the United Nations, United Nations organizations and entities, and United Nations-affiliated agencies and bodies, to continue to use the voice, vote, and influence of the United States to oppose Syria's membership and candidacy for leadership posts in such institutions, and engage in diplomatic efforts to secure multilateral support for such efforts.

SEC. 403. ACTIONS AT INTERNATIONAL FINANCIAL INSTITUTIONS.

The President shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) to use the voice, vote, and influence of the United States to oppose any loan or other assistance to Syria and to oppose Syria's membership in each such institution.

SEC. 404. ESTABLISHMENT OF UNITED STATES AND REGIONAL CONTACT GROUPS.

The President shall seek to establish contact groups with relevant countries in the Middle East to provide forums in which United States officials who are responsible for counter-proliferation efforts are able to meet, at least twice each year, with their counterparts from such countries to--

(1) discuss the global threats presented by Syrian nuclear proliferation and sponsorship of international terrorism; and

(2) develop strategies to effectively address such threats.

SEC. 405. REPORT ON ASSISTANCE TO, AND COMMERCE WITH, SYRIA.

(a) Report- Not later than 90 days after the date of the enactment of this Act and annually thereafter, the President shall transmit to the appropriate congressional committees a report on assistance to, and commerce with, Syria by other foreign countries during the preceding 12-month period.

(b) Contents- Each report required under subsection (a) shall, for the period covered by the report, contain the following information, to the extent such information is available:

(1) A description of all bilateral assistance provided to Syria by other foreign countries, including humanitarian assistance.

(2) A description of Syria's commerce with other foreign countries, including an identification of Syria's trading partners and the extent of such trade.

(3) A description of the joint ventures completed, or under consideration, by foreign nationals, business firms, and persons involving facilities in Syria, including an identification of the location of the facilities involved and a description of the terms of agreement of the joint ventures and the names of the parties that are involved.

(4) A determination of the amount of debt of the Government of Syria that is owed to each foreign country, including--

(A) the amount of debt exchanged, forgiven, or reduced under the terms of each investment or operation in Syria involving foreign nationals; and

(B) the amount of debt owed to the foreign country that has been exchanged, forgiven, or reduced in return for a grant by the Government of Syria of an equity interest in a property, investment, or operation of the Government of Syria or of a Syrian national.

(5) A description of the steps taken to assure that raw materials and semifinished or finished goods produced by facilities in Syria involving foreign nationals do not enter the United States market, either directly or through third countries or parties.

(6) An identification of countries and entities that provide, or have provided, arms or military supplies from Syria or that otherwise have entered into agreements with Syria that could have a military application, including--

(A) a description of the military supplies, equipment, or other material sold, bartered, or exchanged between Syria and such countries;

(B) a listing of the goods, services, credits, or other consideration received by Syria in exchange for military supplies, equipment, or material; and

(C) the terms or conditions of any such agreement.

(c) Form- The report submitted under subsection (a) shall be in unclassified form but may include a classified annex.

TITLE V--ASSISTANCE TO SUPPORT DEMOCRACY IN SYRIA

SEC. 501. DECLARATIONS OF POLICY.

It shall be the policy of the United States to support independent human rights and pro-democracy forces in Syria to promote the emergence of a democratic government in Syria that will--

(1) denounce and combat terrorism;

(2) dismantle its chemical, biological, radiological, and nuclear weapons programs and commit to combating the proliferation of such weapons;

(3) respect the boundaries, sovereignty, and right to exist of its neighbors and live in peace and security with all the countries in the region; and

(4) uphold and defend the human rights and civil liberties of its citizens.

SEC. 502. ASSISTANCE TO SUPPORT A TRANSITION TO DEMOCRACY IN SYRIA.

(a) Authorization- Notwithstanding any other provision of law, the President is authorized to provide assistance and other support for individuals and independent nongovernmental organizations to support a transition to a freely-elected, internationally recognized democratic government in Syria.

(b) Activities Supported- Assistance provided under subsection (a) shall, to the maximum extent practicable, be used to carry out the following activities:

(1) Democracy-building and civil society efforts in Syria, including the provision of assistance to organizations certified by the President to be independent democratic organizations, victims of political repression and their families, and prisoners of conscience and their families.

(2) Radio and television broadcasting to Syria to support democracy-building and civil society efforts in Syria.

(c) Authorization of Appropriations- There are authorized to be appropriated to the President to carry out this section such sums as may be necessary for fiscal year 2010 and each subsequent fiscal year.

SEC. 503. CONDEMNATION OF SYRIAN HUMAN RIGHTS ABUSES.

(a) Statement of Policy- It shall be the policy of the United States--

(1) to condemn the consistent pattern of gross violations of internationally recognized human rights by the Government of Syria in all applicable international fora;

(2) to introduce and work toward the adoption of a resolution at the upcoming session of the United Nations General Assembly which details and condemns the dismal human rights record of Syria;

(3) to support the people of Syria in their daily struggle for freedom, respect for human rights and civil liberties, democratic self-governance, and the establishment of the rule of law; and

(4) to reach out to dissidents, human rights activists, and the nonviolent democratic opposition in Syria, and to assist them in their efforts.

(b) Actions at the United Nations General Assembly- The President shall direct the United States Permanent Representative to the United Nations to take the necessary steps to secure support for the adoption of a resolution at the United Nations General Assembly holding the Government of Syria accountable for its systematic violations of human rights of Syrian and Lebanese citizens and calling for the appointment of a United Nations Special Rapporteur to investigate such human rights violations.

